

Memorandum For: NOAA Employees

From: William F. Broglie
Chief Administrative Officer

Subject: New Policy on Technology Controls and Hosting Foreign Nationals

NOAA has recently issued new policy, [NOAA Administrative Order \(NAO\) 207-12](#), (Attachment 1), concerning hosting foreign nationals as visitors or guests, and maintaining appropriate access controls on certain types of technology. Every NOAA executive, manager, and employee is responsible for compliance with this new policy, so we would encourage you to take a moment to read the overview of the policy contained in this e-mail.

How does this policy apply to you? The new policy most directly affects you (1) if you are likely to work with or host foreign national guests or visitors, (2) if you work at a national critical infrastructure site, or (3) if you conduct or oversee NOAA-sponsored research in collaboration with foreign nationals.

What has NOAA done so far? NOAA is committed to complying with applicable export control laws and regulations, including those that the Department of Commerce's Bureau of Industry and Security (BIS) is charged with administering, the [Export Administration Regulations, 15 C.F.R. Parts 730-774 \(EAR\)](#). The NOAA policy is designed to implement [Department Administrative Order \(DAO\) 207-12](#) as well as export control laws and regulations that serve a critical function in helping to promote national security and foreign policy interests. NOAA's sensitivity to these export control requirements has been heightened as a result of reports by the Office of the Inspector General (OIG) and other federal agencies. Over the past year, many NOAA employees at locations where foreign nationals are present, or at locations that house national critical infrastructure, have been required to complete an assessment of technology at these locations to ensure compliance with the BIS regulations. These regulations essentially require that certain types of technology ("controlled technology") have appropriate access controls, or an export license, in place to ensure the technology is not inappropriately shared with foreign nationals from certain countries. Particular attention has been paid to sharing technology with foreign nationals visiting or working as "guests" in NOAA locations (including ships). Technology shared with the foreign national is considered (or "deemed") to be exported to the foreign national's country by virtue of sharing the technology with the foreign national in the United States; hence, the term "deemed exports." (See Attachment 2 for more information.)

What do you need to do to comply if you host foreign national guests and visitors? On May 11, 2006, NOAA signed NOAA Administrative Order (NAO) 207-12, "Technology Controls and Foreign National Access," to establish procedures and accountability for ensuring compliance NOAA-wide with these export control regulations, including protecting against "deemed exports." The NAO also incorporates the foreign national access policies and procedures contained in the recently issued DAO 207-12, "Foreign National Visitor and Guest Access Program." It is important that NOAA complies with the Export Administration Regulations (EAR) and adheres to the security measures described in NAO 207-12 while pursuing its mandate of information sharing and exchange with the international community.

If you are likely to work with or host foreign national guests or visitors, please be aware that the NAO also outlines procedures to address new requirements issued by the Department of Commerce's Office of Security (OSY) to obtain clearance for all foreign national visitors or guests. Sponsors of foreign national guests and visitors must provide information to OSY in advance of the foreign national's arrival: 30 calendar days before the arrival a foreign national guest; at least 1 business day before the arrival of a foreign national visitor.

Additionally, sponsors of foreign national guests must also complete the “NOAA Line Office/Corporate Office Endorsement Supplement for the NOAA Sponsor of Foreign National Guests” (Attachment 3) along with Appendix B of NAO 207-12, “Certification of Conditions and Responsibilities for Departmental Sponsors of Foreign National Guests,” and submit these documents to their designated Line/Staff Office official (Attachment 4) at least 30 calendar days before the guest will arrive.

You can find additional instructions for hosting foreign national guests and visitors in the NAO. We would encourage you to read the NAO in its entirety, as well as the frequently-asked questions to help you clarify how these new requirements apply to you. This information will soon be accessible to you on a NOAA deemed exports website. We will advise you as soon as this website is launched.

Each Line/Staff Office also has a designated controlled technology coordinator (CTC) available to answer questions about export administration regulations as they apply to your organization. The CTCs are listed in Attachment 4. For additional questions, you may contact Ann Murphy at ann.murphy@noaa.gov and Melanie Caesar at melanie.caesar@noaa.gov in my office.

Attachments:

1. NAO 207-12, “Technology Controls and Foreign National Access”
2. FAQ on Deemed Exports
3. NOAA Line Office/Corporate Office Endorsement Supplement for the NOAA Sponsor of Foreign National Guests
4. List of CTCs and designated LO/CO endorsement officials